

A Way to Save Lithuania

By David J. Scheffer

The stakes are too high in Lithuania and the risk of a military crackdown too great for the Administration simply to call for a peaceful resolution. Rather, the U.S. should declare its intention to extend formal diplomatic recognition to the new Lithuanian government in the event that President Mikhail Gorbachev moves against the independence movement with force.

The new Lithuanian government issued a direct plea for recognition to all democratic nations on March 17. And the Senate unanimously approved a resolution last week, urging President Bush to consider recognition.

The Administration has been both right and wrong in its recognition policy so far. It correctly calls for dialogue and negotiation between Lithuanian and Soviet officials and for a peaceful, nonviolent resolution of the independence problem. It has wisely emphasized that the U.S. has never recognized Stalin's annexation of the Baltic republics in 1940. Lithuanian, Estonian and Latvian legations still enjoy diplomatic status in Washington.

But the U.S. committed a tactical mistake when it declared on March 12 that America's "practice has been to establish formal relations with the lawful government of any state once that government is in effective con-

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trol of its territory and capable of entering into and fulfilling international obligations. When we are satisfied that the Lithuanian government can meet these requirements, we will establish formal diplomatic relations with the new government."

This policy would make it easier to establish diplomatic relations with Communist dictatorships — like the present Governments in Vietnam, Cambodia, North Korea and Cuba — than with Lithuania and other nations

Threaten formal U.S. recognition.

trying to free themselves from Communist rule. The policy sets up skewed criteria for the unique circumstances underpinning the Baltic republics. Mr. Gorbachev has the military power to prevent the Bush criteria from ever being satisfied.

A better standard would be the old "republican" test for recognition, which Woodrow Wilson applied. Under it, recognition was based on the existence of a "just" government resting "upon the consent of the governed," and proof of an ability to fulfill international obligations.

How can Mr. Bush act on these principles of recognition, advance the cause of Lithuania and protect close ties with Mr. Gorbachev?

By a public announcement of these points:

- The U.S. continues to recognize the state of Lithuania and to regard its bilateral treaties with that state to be in force.

- The U.S. acknowledges the legitimacy of Lithuania's democratically elected government and looks forward to the day when it will formally recognize that government as the de facto and de jure government of the sovereign state of Lithuania. Peaceful and constructive discussions between Lithuanian and Soviet officials should commence in order to establish the procedures for Soviet disengagement from Lithuania.

- The U.S. will not recognize the Soviet Government as exercising any legitimate authority in Lithuania if it uses armed force to subjugate Lithuanian self-determination.

This would resurrect a legal principle known as the Stimson Doctrine. The doctrine forbids recognition of any government if its control has been achieved by the threat or use of armed force in violation of international law. Lawyers might debate whether the Soviet use of force in Lithuania would violate the U.N. Charter, but Washington should press Moscow to regard it as a violation.

- If Soviet armed force is used, the U.S. will immediately extend formal recognition to the government of Lithuania, even if it must govern in exile.

Mr. Bush may have other ways of trying to prevent the use of armed force against the Lithuanians. But withholding diplomatic recognition in exchange for Soviet military restraint could accomplish two goals. It may be just what Mr. Gorbachev needs to counter pressures to get tough, and what Lithuania can use to achieve real independence. □



Associated Press

The Soviet Army has been carrying out raids on Communist Party buildings by night in Lithuania, while by day, the Republic's President, Vytautas Landsbergis, has been trying to embarrass Presi-

dent Mikhail S. Gorbachev before the West. People gathered yesterday outside the Lithuanian Communist Party building in Vilnius, which was recently occupied by the Soviet Army.